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 Serial No. 10/808,829  
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# **REMARKS**

## **I. Status of the Application.**

Claims 1-27 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) objected to claims 4, 6, 9-12 and 18 based on informalities in the claim language;
- (b) rejected claim 1 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,641,295 to Hu ("Hu");
- (c) rejected claims 8-10 and 13 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. US 2004/0120160 for Natsume ("Natsume");
- (d) rejected claims 14, 15, and 17 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,238,073; and
- (d) rejected claim 2 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hu.

In this response, Applicant has cancelled claims 4, 8-9, 13, and 15-16, amended claims 1, 6, 10-12, 14, and 18, and added new claims 20-24. The new and amended claims do not constitute new matter and are supported by the Application as filed. Applicant respectfully submits that the foregoing amendments and following remarks incorporated herein overcome the Examiner's rejections and objections to the aforementioned claims and thus, respectfully request the allowance of the remaining pending claims.

## **II. Applicant's Added Claims Do Not Constitute New Matter.**

As requested, Applicant has amended claim 1 to incorporate the limitations of claim 4, rewrote claim 5 in independent form by adding claim 19, and has amended claim 14 to incorporate all the limitations of claim 16 and intervening claim 15. Because these limitations

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were present in the original claims and are supported by the specification as filed, Applicant respectfully submits that the amendments to claims 1 and 14 and the addition of claim 19 do not constitute new matter. Claims 6, 10-13 and 18 have only been amended to either correct an informality such as a grammatical typographical error and/or to change the claims dependency. Accordingly, Applicant respectfully submits that claims 6, 10-13 and 18 are supported by the originally filed Application. Additionally, new claims 20-24 are also supported by the originally filed Application. For example, new claims 20-24 are supported at page 5 and in Figures 5 and 7. For these reasons, Applicant respectfully submits that no new matter is added by way of amendment and request that the amendments be entered.

**III. The Objection to Claims 3-7, 11-12, and 18 Should Be Withdrawn.**

The Examiner objected to claims 3, 5, 7, and 16 solely based on these claims allegedly being dependent upon a rejected base claim. The Examiner also objected to claims 4, 6, 11, 12, and 18 based on several informalities and based on these claims also allegedly being dependent upon a rejected base claim. In accordance with the Examiner's request, Applicant has amended claim 1 to incorporate all of the limitations of original claim 4, amended claim 14 to include all the limitations of original claim 16 and its intervening claim 15, and rewrote claim 5 in its independent form by adding claim 19. Accordingly, Applicant respectfully submits that as requested, original claims 4, 5, and 16 have now been rewritten in independent form. Moreover, the rest of the claims have also been amended to depend from one of independent claims 1, 14 and 19. Thus, Applicant respectfully submits that the objections to claims 3-7, 11-12, 16, and 18 should be withdrawn because these claims no longer depend from a rejected base claim.

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The Examiner also objected to claims 4 and 18 because the terms "the top" and "the bottom" lacked antecedent basis. While claim 4 has been canceled and incorporated in claim 1, Applicant has amended claims 1 and 18 to provide for proper antecedent basis for these terms. The Examiner objected to claims 6, 9 and 10 for utilizing "are" with the term "each" and requested that the term "are" be replaced with the term "is". Applicant has canceled claim 9 and amended claims 6 and 10 to replace "are" with "is". Accordingly, Applicant respectfully submits that all the informalities contained in these claims have been resolved and requests that the rejection of claims 3-7, 11-12, 16, and 18 be withdrawn.

**IV. The Rejection of Claims 1, 8-10, 13-15 and 17 Under 35 U.S.C. §102(b) Should Be Withdrawn.**

Applicant respectfully submits that the rejection of claims 1, 8-10, 13-15, and 17 under 35 U.S.C. §102(e) should be withdrawn because claim 1 has been amended to include the limitations of claim 4, claims 8-9 and 13 have been canceled, claim 10 now depends from new claim 19, and claim 14, from which claim 17 depends, has been rewritten to include the limitations of claim 16. A rejection under section 102(e) can be overcome by amending the claims to patentably distinguish over the prior art. MPEP §706.02. As noted by the Examiner, the amendments to claims 1 and 14 to incorporate the limitations of claims 4 and 16, respectively, patentably distinguish claims 1 and 14 from any of the prior art. (Office Action, p. 4). Moreover, as noted by the Examiner, new claim 19 appears to be in allowable form because it corresponds to the independent form of claim 5. (Office Action, p. 4). Accordingly, Applicant respectfully submits that the rejection of amended claims 1 and 14 under 35 U.S.C. §102(e) should be withdrawn because, as noted by the Examiner, none of the prior art discloses all the

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limitations of claims 1 and 14. Similarly, Applicant respectfully submits the rejections of claims 10 and 17 under 35 U.S.C. §102(e) should be withdrawn because these claims depend from and incorporate the limitations of what appear to be allowable new claim 19 and amended claim 14, respectively.

**V. The Rejection of Claim 2 Under 35 U.S.C. §103(a) Should Be Withdrawn.**

Applicant respectfully submits that the rejections of claim 2 under 35 U.S.C. §103(a) should be withdrawn because claim 2 now depends from allowable amended claim 1. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)). Claim 2 depends from claim 1. As explained above, claim 1 has been amended to incorporate the limitations of claim 4 which the Examiner indicates would be allowable if rewritten in independent form. (Office Action, p. 4). Accordingly, Applicant respectfully submits that the rejection of claim 2 under 35 U.S.C. §103(a) should be withdrawn because it depends from an allowable claim 1, which incorporates the limitations of claim 4 in an independent form.

**VI. Claims 20-25 Should Be Allowed.**

Applicant requests the allowance of new claims 20-24 because they do not add new matter and depend from and incorporate all the limitations of an allowable base claim. As noted above and in the Office Action, amended claims 1 and 14 and new claim 19 are now allowable claims. New claims 20-22 depend from new claim 19, new claim 23 depends from amended claim 1 and new claim 24 depends from amended claim 14. Accordingly, Applicant respectfully

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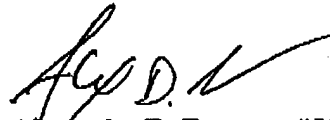
submits new claims 20-24 are also in allowable form and should be accepted and proceed to allowance with the rest of the claims.

**CONCLUSION**

For all of the foregoing reasons, it is respectfully submitted that Applicant have made a patentable contribution to the art and that this response places the above-identified application in condition for allowance. Favorable reconsideration and allowance of this Application is therefore respectfully submitted. In the event Applicant have inadvertently overlooked the need for payment of an additional fee, Applicant conditionally petition therefore, and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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